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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,668	05/18/2001	Siew Yong Sim	72100.911D2	3647
7590	08/10/2005		EXAMINER	
JAMES H SALTER BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 WILSHIRE BLVD 7TH FLOOR LOS ANGELES, CA 90025			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	
DATE MAILED: 08/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/681,668	SIM ET AL.	
	Examiner	Art Unit	
	Derrick W. Ferris	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 May 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,9-17,24-30 and 37-41 is/are rejected.
 7) Claim(s) 3-8,18-23 and 31-36 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 May 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 16, and 17** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,502,125 B1 to *Kenner et al.* ("Kenner").

As to **claim 1**, see e.g., figure 1 of *Kenner* where sending a search request to determine which nodes in a network have content for a requesting node is the request for delivery sites sent from the user terminal 12 to the MSP 32. The network in figure 1 has a plurality of nodes, e.g., MSP 32 and delivery sites 26, 28, and 30. Receiving a response to said search request from each of one or more response nodes having said content is the response sent back from the MSP containing the delivery site information in the delivery site file, see e.g., column 8, lines 25-39. Determining from said response which of said responding nodes are a desired set of nodes to download said content from is taught when the configuration utility 34 makes a determining of which delivery sites 26, 28, and 30 to use. Downloading said content from said desired set of nodes and storing said downloaded content onto said requesting node is taught when the user 12 receives the information from the delivery sites 26, 28, and 30, see e.g., column 14, lines 5-8.

As to **claim 2**, the file is downloaded from a distribution site where the file comprises blocks as is known in the art.

As to **claim 16**, see similar rejection to claim 1.

As to **claim 17**, see similar rejection to claim 2.

3. **Claims 1, 2, 9, 10-17, 24-30, and 37-41** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Pub 2002/00404479 A1 to *Ehrman et al.* ("Ehrman").

As to **claim 1**, see e.g., figure 1 of *Ehrman* where sending a search request to determine which nodes in a network have content for a requesting node is the request for content sent from the receiving peer 12 to the streaming content manager 14. The network in figure 1 has a plurality of nodes, e.g., receiving content manger 14 and supplying peers 10. Receiving a response to said search request from each of one or more response nodes having said content is the response sent back from the authorized suppliers, see e.g., page 2, paragraph 0023.

Determining from said response which of said responding nodes are a desired set of nodes to download said content from is taught since if congestion occurs another supplying peer 10 can be selected, see e.g., page 2, paragraph 0036. Downloading said content from said desired set of nodes and storing said downloaded content onto said requesting node is taught when the receiving peer 12 receives the information from the supplying peers 10, see e.g., column 14, lines 5-8.

As to **claim 2**, the stream content manager is responsible for splitting up a stream, see e.g., figures 2a and 2b.

As to **claim 9**, performance characteristics could be the additional information supplied with each stream, see e.g., paragraph 0028 on page 2.

As to **claim 10**, overlapping content servers are taught as redundant supplying peers, see e.g., page 2, paragraph 0036.

As to **claims 11 and 13**, if a stream chuck is not received in time then latency is perceived in the network and adjustments are made based on the detected network congestion, see e.g., paragraph 0028 on page 2.

As to **claim 12**, since the streams are sent using different supplying peers, the streams are sent in parallel.

As to **claim 14**, see similar rejection to claim 1. In addition, a threshold level of latency is based on whether the block is received or not. If the block is not received in time then another supplying peer is selected thus meeting the additional claim limitation. In addition, further performance characteristics could be the additional information supplied with each stream, see e.g., paragraph 0028 on page 2.

As to **claim 15**, see similar rejection to claim 14. In addition, since the streams are sent using different supplying peers, the streams are sent in parallel.

As to **claim 16**, see similar rejection to claim 1.

As to **claim 17**, see similar rejection to claim 2.

As to **claim 24**, see similar rejection to claim 9.

As to **claim 25**, see similar rejection to claim 10.

As to **claim 26**, see similar rejection to claim 11.

As to **claim 27**, see similar rejection to claim 12.

As to **claim 28**, see similar rejection to claim 13.

As to **claim 29**, see similar rejection to claim 1. In particular, note that the server is the streaming content manager 14 and the requesting node is the receiving peer 12.

As to **claim 30**, see similar rejection to claim 2.

As to **claim 37**, see similar rejection to claim 9.

As to **claim 38**, see similar rejection to claim 10.

As to **claim 39**, see similar rejection to claim 11.

As to **claim 40**, see similar rejection to claim 12.

As to **claim 41**, see similar rejection to claim 13.

Allowable Subject Matter

4. **Claims 3-8, 18-23, and 31-36** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


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8/4/05